

## **REMARKS**

### **Provisional election with traverse:**

Applicants elect with traverse **Group I, SEQ ID NO: 1 and  $\Delta 4$  desaturase.**

### **Argument:**

Applicants herein distinctly and specifically point out errors in the restriction requirement as required by MPEP § 818.03(c).

The examiner stated that the inventions listed as Group I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature because the inventions lack the same corresponding special technical feature because the technical feature linking the inventions of Groups I-VI does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

Applicants respond by pointing out that PCT Rule 13.1 provides that the application has to relate to one invention, or to a group of invention which is so linked as to form a single general inventive concept ("requirement of unity of invention"). Accordingly, the requirement of unity of invention is, *a priori*, met and there is no lack of unity when a group of claimed inventions is linked to form a "**single general inventive concept**." Therefore, in accordance with the requirement for unity of invention which is defined in PCT Rule 13.1, it is not necessary that a "special technical feature" be present.

The single general inventive concept of the present invention is indicated by the

nucleic acids, proteins, methods and transgenic which are directed to understanding the signals of intracellular transport and utilizing them for targeting of proteins.

Also, the Commissioner of the USPTO has determined that a "reasonable number" of independent and distinct sequences (i.e., ten) will be examined in a single application together with any sequences patentably distinct from these. In addition, sequences coding for the same protein are not considered to be independent and distinct inventions, and can also be included. *Examination of Patent Applications Containing Nucleotide Sequences*, 1192 O.G. 68 (November 19, 1996). The examiner has required election of one sequence and also one biosynthesis gene of a fatty acid or lipid metabolism. This is improper in view of the above.

Therefore, applicants respectfully request withdrawal of the examiner's restriction requirement.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such account.

Respectfully submitted,  
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